

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. M.P.E.P. § 803.

Applicants respectfully traverse the Requirement for Restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office states that “the common feature among the four inventions is a blend of PC, polyester and PTFE. This blend is not patentable as shown by EP 899306 (examples 1-5) or XP-00216681.” The Office therefore concludes that “there is no special technical feature linking the inventions.” However, Applicants respectfully submit that the Office has merely stated a conclusion, and has failed to provide sufficient reasons and/or explanation to support this assertion. For example, the Office has not stated how examples 1-5 of EP 899306 allegedly show that the “blend is not patentable.” Accordingly, Applicants submit that the assertion made by the Examiner is insufficient to support the Requirement for Restriction, and therefore request that it be withdrawn.

Moreover, Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

M.P.E.P. § 803 states:

“If the search and examination of an entire paragraph can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Requirement for Restriction. Applicants therefore respectfully request that the Requirement for Restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

*Norman F. Oblon*  
Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Thomas A. Blinka, Ph.D.  
Registration No. 44,541



**22850**

(703) 413-3000  
NFO:TAB\law